

State of Connecticut
Commission on Human Rights and Opportunities
Regular Commission Meeting
450 Columbus Blvd –North Plaza Conference Room C-D
Hartford, CT 06106
Wednesday, March 13, 2019



2:00 p.m.

Regular Commission Meeting Minutes

Commissioners Present

Cherron Payne, Chair
Edward Mambruno, Secretary
Andrew Norton
Edith Pestana

Lisa Giliberto
Nicholas Kapoor
Joseph Suggs
Shuana Tucker

Staff Present

Tanya Hughes, Executive Director
Cheryl Sharp, Deputy Director

Alix Simonetti, HRO Attorney
Charles Krich, Principal HRO Attorney
Ronald Simpson, Regional Manager
Shawn Burns, Regional Manager
Neva E. Vigezzi, HRO Representative
Emily Melendez, Assistant Attorney General

Michael Roberts, HRO Attorney
Jamie Rubin, Regional Manager
Lynda Rizzo Stowe, Reg. Manager
Muriel Carpentier, HRO Representative
Monica H. Richardson, Executive Secretary
Darcy Jones, Legislative Analyst

I. Chairperson: Cherron Payne, Presiding

The meeting was convened at 2:05 p.m.

II. Secretary: Edward Mambruno

A motion was made by Commissioner Giliberto to approve the minutes of the February 13, 2019. It was seconded by Commissioner Pestana. The vote: Yes (6), No (0), and Abstentions (1). The motion carried.

III. Affirmative Action Recommendations – Vote Required

The following plans were presented by Deputy Director Cheryl Sharp

Staff Recommendations: **Approval**

1. Connecticut Insurance Department

** Commissioner Pestana recused herself.

Representing the agency were Commissioner Andrew Mais, Patty Tiberio, Director Human Resources, and Leah Glende, AA/EEO.

The plan was recommended for **Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 56%. The promotion goals were met at 60% and the program goals were met at 100% (4 out of 4).

The Contract Compliance Set-Aside Program for FY 2017/2018 showed 113% goal achievement for the SBE and 260% for the MBE.

The filing history is as follows: 2009, 2010, 2011, 2014, and 2016, Approved.

A motion was made by Commissioner Kapoor and seconded by Commissioner Tucker to accept the staff recommendation to **approve** the plan of the **Connecticut Insurance Department** and retain **biennial** filing status. The vote: Yes (7), No (0) and Abstentions (0). The motion was unanimous.

2. Department of Developmental Services

Representing the agency was Commissioner Jordan Scheff, Renee' LaBarge, EEO Director, and Jennifer Borenski, EEO Specialist.

The plan was recommended for **Conditional Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 51%. The promotion goals were 35% and the program goals were met at 100% (1 out of 1).

The Contract Compliance Set-Aside Program for FY 2017/2018 showed 169% goal achievement for the SBE and 211% for the MBE.

The filing history is as follows: 2013, 2014, 2015, 2016, and 2017, Approved.

A motion was made by Commissioner Kapoor and seconded by Commissioner Giliberto to accept the staff recommendation to **approve** the plan of the **Department of Developmental Services** and retain **annual** filing status. The vote was: Yes (6), No (0) and Abstentions (1). The motion carried.

IV. Petition for Declaratory Ruling

Mica Notz v. CT Commission on Human Rights and Opportunities
Presented by Michael E. Roberts, Commission Counsel

Following a presentation made by the agency, testimony from the petitioner, Mica Notz and Brian Stains, Chief Disciplinary counsel of the CT Judicial Branch of the Superior court, a motion was made by Commissioner Giliberto and seconded by Commissioner Pestana to accept the staff recommendation that the Commission **decline to issue a declaratory ruling** to allow Ms. Notz to seek a declaratory judgment in court if she so chooses, opening the door to a judicial decision regarding the Commission's authority in this area. The vote

was unanimous.

V. CONTRACT COMPLIANCE REQUEST FOR EXEMPTION:

****Chair Payne recused herself and left the room. Commissioner Norton was acting Chair during her recusal.**

UCONN Rudd Center for Food Policy and Obesity, Contract Extension with the Nielsen Company, LLC
Presented by Alix Simonetti, Commission Counsel

Following presentation by staff, the commissioners decided to accept staff recommendation to **conditionally grant** UCONN's request for exemption to fourth amendment to the 2015 contract with Nielsen to allow the limiting preface to the nondiscrimination contract language and to exempt Nielsen from the contract compliance certification requirements of Conn. Gen. Stat. Section's 4a-60(c) and 4a-60a(b). A motion was made by Commissioner Suggs and seconded by Commissioner Mambruno to accept the staff recommendation to **conditionally grant** the exemption request. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried.

The conditions are:

1. This exemption is limited to the above-referenced fourth amendment to the 2015 contract concluding October 31, 2019. I do not recommend any additional years of extension. If the contract is amended to extend it again, UCONN may file a request for exemption for the contract amendment. At each time that UCONN files its request, the Commission will apply the law to each such exemption requested and consider the circumstances that exist at the time the request has been made.

2. To the extent that at any part of the performance of this contract has to be performed in the State of Connecticut by Nielsen's staff, Nielsen's staff members performing the work must be informed that the State of Connecticut prohibits discrimination on the basis of *race, color, religious creed, age (at any age), sex, gender identity or expression, sexual orientation, marital status (including opposite-sex marriage and same-sex marriage), national origin, ancestry, genetic information, present or past history of mental disability, intellectual disability, learning disability, physical disability (including chronic physical conditions) and status as a veteran*. The exemption recommended herein will not diminish the contractor's duty or responsibility to comply with the law prohibiting discrimination in the state of Connecticut.

VI. Division Reports

Executive Director's Report: by Tanya Hughes, Executive Director

The Executive Director reported on operations, personnel and production activities. CHRO recently vouchered for the 2017-18 EEOC contract at \$ 1,193,430.00. It was approximately \$400,000 less than the previous year due to less cases being processed. The CHRO is still meeting with the auditors; the legislative committee meets regularly and CHRO has met with legislators such as Perillo, Curry, Porter, Winfield, as well as with Attorney General Tong and his staff to work out some of the language on his bill. The Legislative breakfast was well attended on Feb 14. CHRO's participation in recent events included the Racial Profiling Committee meetings and events and the School Discipline collaboration. Tanya Hughes has

been nominated for an NAACP Social Justice award from the New Haven chapter. The event will be May 16.

Outreach Report: by Cheryl Sharp, Deputy Director. See detailed report. (Attached)

Legislative Report: by Darcy Jones, Legislative Analyst

Darcy Jones reported on Governor Lamont's budget in which CHRO had previously testified to the Appropriations committee. The budget will be released on May 3. CHRO has testified on or submitted testimony on 9 bills in February. They are the following:

- SB 926 – An Act Allowing Landlords to Accept Certain Advance Rental Payments
- HB 6666 – An Act Concerning Prompt Payment of Contractors
- HB 7106 – An Act Concerning Service Animals
- SB 857 – An Act Concerning Expedited Approval of Affirmative Action Plans Submitted by Contractors to the Commission on Human Rights and Opportunities
- HB 6931 – An Act Concerning Domestic Workers
- HB 6921 – An Act Concerning Discrimination Based on a Person's Criminal History
- SB 367 – An Act Establishing a Task Force on the Needs of Persons with Intellectual Disability
- HB 6544 – An Act Prohibiting Direct-to-Consumer Genetic Testing Companies from Sharing Genetic Data with Health Carriers or Life Insurance Companies
- SB 388 – An Act Concerning a Person's Intersex Status or Characteristics

CHRO is also working with the Senate Democrats on Senate Bill 3: An Act of Combatting Sexual Assault and Sexual Harassment.

VII. New Business: N/A

VIII. Executive Session

(Requires a two-thirds vote of commissioners present and voting – staff and guests invited to attend must be noted)

IX. Return from Executive Session

X. Vote on Executive Session Items

(Action May Be Required)

XI. Old Business: N/A

***Commissioner Tucker exited the meeting at 4:05 pm

XII. Adjournment

A motion was made by Commissioner Kapoor to adjourn the meeting; it was seconded by Commissioner Giliberto. The motion to adjourn carried unanimously. The meeting adjourned at 4:09 p.m.